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60,469-254
OT-5282REMARKS

Claims 1, 3, 6-10 and 12 are amended. New claim 18 is presented. Applicant respectfully requests reconsideration of this application where claims 1, 3, 5-10, 12-14 and 16-18 are pending.

Applicant has removed "configured to" from the claims in view of the Examiner's objection to that language.

Claim 12 has been amended to address the Examiner's concern regarding "the vibration level" as that phrase appeared in the previous version of claim 12. Applicant respectfully submits that the clarification to the claim indicates how "the vibration level" referred to the level of car frame vibration that appears in line 2 of claim 12. No new matter has been entered.

Applicant respectfully traverses the rejection of claims 1, 3, 5-9, 10, 12-14 and 16-17 under 35 U.S.C. §102(b) based upon the *Fujita* reference (JP-05116869 or U.S. Patent No. 5,289,902). Applicant respectfully disagrees with the Examiner's interpretation of the reference. Nothing in column 7 or column 8 describes or relates to what the Examiner suggests is taught by the *Fujita* reference. In the Office Action the Examiner asserts that those portions of the *Fujita* reference teach "a controller that automatically increases the stiffness of the damper when an associated elevator car is stationary at a landing and to decrease the stiffness of the damper when the associated car is moving." The portion of the text contained in column 7, lines 3-13, has nothing to do with a stationary elevator car. This is apparent by considering column 6, beginning at line 43, which states, "Referring now to FIG. 13, in this embodiment, when cage 5 rises and falls, vibration sensors 38 disposed on cage 5 detect the amplitude and the frequency of the vibration of cage 5, and transmit the detected amplitude and the detected frequency to control circuit 39. Control circuit 39 compares the vibrations in the frequency with each of the

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predetermined data..." That is the context of the statements in column 7, lines 3-13. Accordingly, the teachings of column 7 are referring to an elevator cage 5 in motion, which is not the same thing as an elevator cage that remains stationary at a landing. Throughout column 7, reference is made to a moving cage 5. For example, lines 17 and 32-35 refer to "rolling of cage 5," lines 19-20, 27 and 57 each refer to "windings of guide rails 3." The windings of the guide rails as that phrase is used in the *Fujita* reference would have no impact on the elevator cage 5 unless the cage were moving along the guide rails. Therefore, the only reasonable interpretation of column 7 of the *Fujita* reference is that it pertains to an elevator cage that is in motion and does not have anything to do with an elevator cage 5 that would be stationary at a landing. There is no reasonable interpretation of the *Fujita* reference that could establish a *prima facie* case of anticipation against any of Applicant's claims.

The teachings of column 8, lines 53-60 also pertain to an elevator cage in motion. Column 8, lines 35-36, explicitly state, "When cage 5 rises and falls, the amplitude and the frequency of cage 5 are detected by vibration sensor 40." The detected amplitude and frequency are then used by the control circuit 41 as explained later in column 8.

Moreover, the embodiment discussed in column 8 of the *Fujita* reference does not utilize a fluid-based damper and, therefore, cannot be used as a basis for anticipating any of Applicant's claims. The embodiment of Figures 18, 19 and 20 of the *Fujita* reference use a pole shaped permanent magnet 43, a solenoid 44 and a coil 45. There is no fluid contained in that arrangement.

Applicant respectfully submits that nothing in the *Fujita* reference corresponds to Applicant's controller that provides a unique elevator control strategy for addressing the differing

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conditions that occur when a car is stationary at a landing on the one hand and moving on the other hand. Applicant respectfully submits that this case is in condition for allowance.

Applicant believes that additional fees in the amount of \$200.00 are required for one additional independent claim. A Credit Card Payment Form is attached. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that this Response, relative to Application Serial No. 10/574,653 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on June 28, 2007.


Theresa M. Palmateer

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